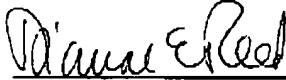


No fees are believed due with this submission. However, if fees are determined to be due, the Commissioner is authorized to charge Deposit Account Number 09-0441.

Respectfully submitted,

By: 
Dianne E. Reed
Registration No. 31,292
c/o MINTZ LEVIN
1400 Page Mill Road
Palo Alto, California 94304-1124
(650) 251-7700 Telephone
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Customer Number 23980

TRA 2249478v.1

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Atty Dkt No.: YOR920000693US2 Mailing Date: November 9, 2006
Mintz Dkt No.: 5075-0029.20

Inventor(s): Ratnam SOORIYAKUMARAN et al.

Serial No.: 10/079,289 Filing Date: February 19, 2002

Document(s):
Return Receipt Postcard
Transmittal
Fee Transmittal
Amendment 37 CFR § 1.116
Terminal Disclaimer

Fee Paid by Deposit Account

IR/ks

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Mintz No. 5075-0029.20

PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0661.0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/079,289	
	Filing Date	February 19, 2002	
	First Named Inventor	Ratnam SOORIYAKUMARAN	
	Art Unit	1752	
	Examiner Name	Barbara L. GILLIAM	
Mail Stop	AF	Attorney Docket Number	YOR920000693US2

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> No fee due <input type="checkbox"/> Fee Transmittal <input checked="" type="checkbox"/> Fee(s) due <input checked="" type="checkbox"/> Fee Transmittal <input type="checkbox"/> Check for \$ <input checked="" type="checkbox"/> Charge any underpayment or credit any overpayment to Deposit Account No. 09-0441 <input checked="" type="checkbox"/> Return postcard <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement & Form(s) PTO-1449 <input type="checkbox"/> Copy(ies) of cited reference(s) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts / Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s):	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks: The Commissioner is hereby authorized to charge any additional or underpayment of fee(s) to Deposit Account No. 09-0441.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual Name (print/type)	Isaac M. Rutenberg, Reg. No. 57,419 Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.	Telephone	(650) 251-7700
Signature	<i>Isaac Rutenberg</i>	Date	November 9, 2006

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Name (print/type)	Katherine Stofer	Date	November 9, 2006
Signature	<i>Katherine Stofer</i>		

TRA 2220481v.1

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JAN 29 2007

FEE TRANSMITTAL for FY 2006

Effective 10/01/03 Patent fees are subject to annual revision

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT **130.00**

Complete if Known

Application Number	10/079,289
Filing Date	February 19, 2002
First Named Inventor	Ratnam SOORIYAKUMARAN
Examiner Name	Barbara L. GILLIAM
Group Art Unit	1752
Attorney Docket No.	YOR920000693US2

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit Account No	09-0441
Deposit Account Name	International Business Machines Corporation

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Charge any underpayment or credit any overpayments

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING, SEARCH AND EXAMINATION FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee (filed on or before 12/8/04)	
1011	300	2011	150	Utility filing fee (filed after 12/8/04)	
1111	500	2111	250	Search Fee	
1311	200	2311	100	Examination Fee	
1081	250	2081	125	For each additional 50 sheets exceeding 100	

SUBTOTAL (1) **\$**

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		- 20** =		Extra Claims		Fee from below		Fee Paid	
Independent Claims		- 3** =							
Multiple Dependent									

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	50	2202	25	Claim in excess of 20	
1201	200	2201	100	Independent claims in excess of 3	
1203	360	2203	180	Multiple dependent claim, if not paid	
1204	200	2204	100	** Reissue independent claims over original patent	
1205	50	2205	25	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) **\$**

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	2053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1,020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1,080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1,000	2403	500	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1,500	2453	750	Petition to revive - unintentional	
1501	1,400	2501	700	Utility issue fee (or reissue)	
1502	800	2502	400	Design issue fee	
1503	1,100	2503	550	Plant issue fee	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
1814	130	2814	65.00	Statutory Disclaimer	

Other fee (specify) **Terminal Disclaimer**

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

**130
\$130.00**

SUBMITTED BY

Name (Print/Type)	Isaac M. Rutenberg	Registration No. (Attorney/Agent)	57,419	Telephone	Complete (if applicable) (650) 251-7700	
Signature	<i>Isaac Rutenberg</i>	Date	November 9, 2006			

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Application Serial No. 10/079,
Response dated November 9, 2006
Reply to Office Action of August 29, 2006

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Dkt No. YOR9-2000-0693US2
Mintz No. 5075-0029 20
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Ratnam SOORIYAKUMARAN et al.

Confirmation No.: 7983

Serial No.: 10/079,289

Group Art Unit: 1752

Filing Date: February 19, 2002

Examiner: Barbara L. GILLIAM

Title: FLUORINATED SILSESQUIOXANE
POLYMERS AND USE THEREOF IN
LITHOGRAPHIC PHOTORESIST
COMPOSITIONS (as amended)

AMENDMENT UNDER 37 C.F.R. §1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Final Office Action mailed August 29, 2006 concerning the patent application referenced above. Applicants acknowledge with appreciation the Examiner's withdrawal of the rejections under 35 U.S.C. §112, 1st paragraph, and under 35 U.S.C. §102(b). In the Action, claims 67, 71, 73, 75-76, 79-81, 84-110, and 125-159 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-20 of U.S. Patent No. 6,939,664 to Huang et al. ("Huang"). Without conceding in the merit of this rejection, and in order to expedite prosecution, applicants are filing a terminal disclaimer over US Patent No. 6,939,664. The fee required for submission of the terminal disclaimer should be charged to Deposit Account No. 09-0441. Applicants apologize for inadvertently omitting the terminal disclaimer in the previous response filed June 5, 2006. In a telephone call on November 7, 2006, the Examiner indicated that a terminal disclaimer would be entered if submitted by applicants, and that the Examiner would update the search. Applicants respectfully request that the terminal disclaimer be entered into the record at this time, and that the rejection be withdrawn.

COPY

With this response, all of the rejections set forth by the Examiner have been overcome. Applicants respectfully request the issuance of a Notice of Allowance. If the Examiner has any questions concerning this communication, she is invited to contact the undersigned at the telephone number below.

Respectfully submitted,

By:



Isaac M. Rutenberg
Registration No. 57,419
c/o MINTZ LEVIN
1400 Page Mill Road
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Customer No. 23980

Date November 9, 2006

TRA 2217565v.1

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Mintz No. 5075-0029.20

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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT

Docket Number (Optional)
YOR920000693US2

In re Application of: Ratnam SOORIYAKUMARAN

Application No.: 10/079,289

Filed: 02/19/2002

For: FLUORINATED SILSESQUOXANE POLYMERS AND USE THEREOF IN LITHOGRAPHIC PHOTORESIST
COMPOSITIONS (as amended)

The owner, International Business Machines Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of prior Patent No. 6,939,664 as the term of said prior patent is defined in 35 U.S.C. §§ 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent is commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

expires for failure to pay a maintenance fee;

is held unenforceable;

is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321;

has all claims canceled by a reexamination certificate;

is reissued; or

is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.


Signature

November 9, 2006

Date

Isaac M. Rutenberg, Registration No. 57,419

Typed or printed name and Registration No.

650-251-7700

Telephone Number

- ☐ Please charge the terminal disclaimer fee under 37 CFR 1.20(d) to Deposit Account No. 18-0580.
- ☐ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

COPY